

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LISHA D. GRIER, L.P.N.

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 14, 2007, in Henrico County, Virginia, to inquire into evidence that Lisha D. Grier may have violated certain laws and regulations governing nursing practice in Virginia and certain terms and conditions imposed on her as set forth in the Order of the Board entered on November 5, 2004. The case was presented by James Schliessmann, Assistant Attorney General. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Grier was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to its summary suspension on March 21, 2007, Lisha Grier held License No. 0002-052619 issued by the Virginia Board of Nursing. Previously, Ms. Grier's license was suspended in 2002 and then reinstated subject to certain terms and conditions on November 5, 2004.
2. Based on Commonwealth's Exhibit 2 and the representation of James Schliessmann, Assistant Attorney General, the presiding officer ruled that adequate notice had been provided to Ms. Grier and the hearing proceeded in the absence of Ms. Grier.
3. During the course of her employment with Maxim Healthcare Services, Virginia Beach, Virginia, and while assigned to care for a patient with Duchenne muscular dystrophy who was ventilator-dependent and had a tracheostomy, on or about December 16, 2006, during her shift, Ms. Grier appeared

“giddy,” with “glossy,” dilated eyes, and with a strong odor of marijuana coming from her person. A subsequent urine drug screen was returned positive for the presence of marijuana. Ms. Grier’s employment was terminated as a result of this incident.

4. Also during the course of her employment with Maxim Healthcare Services, on or about December 20 and 27, 2005, Ms. Grier failed to appear for her shift and failed to notify the patient’s family or her employer.

5. Ms. Grier failed to submit any performance evaluations to the Board, as required by Terms 2 and 5 of the Order of the Board entered November 5, 2004 (“Board’s Order”).

6. Ms. Grier failed to submit any “Self-Reports,” as required by Terms 2 and 6 of the Board’s Order.

7. Ms. Grier failed to conduct herself in compliance with Title 54, Chapter 30 of the Code and the Board of Nursing Regulations, as required by Term 8 of the Board’s Order, as evidenced by her conduct while employed with Maxim Healthcare Services, referenced in Paragraphs 2 and 3, above.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Board of Nursing Regulations (“Regulations”).

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.

3. Finding of Fact No. 5 constitutes a violation of Terms 2 and 5 of the Board’s Order.

4. Finding of Fact No. 6 constitutes a violation of Terms 2 and 6 of the Board’s Order.

5. Finding of Fact No. 7 constitutes a violation of Term 8 of the Board’s Order.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0002-052619, issued to Lisha D. Grier to practice practical nursing in the Commonwealth of Virginia, is hereby REVOKED.


2. The license will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Grier seek reinstatement of her license after three years, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice. The reinstatement of Ms. Grier's license shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

3. This Order shall be applicable to Ms. Grier's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Grier has thirty (30) days from the service date in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Ms. Grier actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three days are added to that period.


FOR THE BOARD


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director

ENTERED: June 6th, 2007

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Lisha D. Grier, 2305 Shorebird Court, Chesapeake, Virginia 23323 and 2112 Silbert Road, Norfolk, Virginia 23509.



Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director for the
Board of Nursing

DATE June 6th, 2007